

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 GARY W. WALTERS,

6 Plaintiff,

7 vs.

8 BRIAN WILLIAMS, *et al.*,

9 Defendants.

2:15-cv-02196-JAD-VCF

ORDER

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11 Before the Court is Plaintiff's Motion for Order to Show Cause. (ECF No. 39). Defendant opposes
12 (ECF No. 41) and Plaintiff filed a reply in support of his motion for order to show cause (ECF No. 45).

13 Under Federal Rule of Civil Procedure 11(c)(2), which sets forth the procedure for notice and
14 sanctions, contains a safe harbor provision requiring that any motion for sanctions "must be served under
15 Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense,
16 contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another
17 time the court sets." Here, Plaintiff has failed to comply with Rule 11's safe harbor provisions as set forth
18 by the Fed. R. Civ. P. 11(c)(2). Plaintiff did not serve Defendant with his motion prior to filing or make
19 any attempt to resolve the issue.

20 Accordingly,

21 IT IS HEREBY ORDERED that Plaintiff's Motion for Order to Show Cause (ECF No. 39) is
22 DENIED.

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1 IT IS FURTHER ORDERED that Defendant's Motion to Strike Plaintiff's Reply Brief filed
2 January 25, 2017 (ECF No. 46) is DENIED as MOOT.

3 DATED this 2nd day of February, 2017.



4 CAM FERENBACH
5 UNITED STATES MAGISTRATE JUDGE
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